

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4578 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MAGANLAL OZA

Versus

STATE OF GUJARAT

Appearance:

MR JV BHAIKAVIA for Petitioner

Mr.S.A.Pandya, Asstt. GP for respondent No.1.

Mr.H.S.Munshaw, Advocate for respondent No.2 and 3.

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 30/08/96

ORAL JUDGEMENT

Heard learned advocates for the parties. Rule.
Mr. Pandya, learned Asstt.GP and Mr. Munshaw, learned advocate appearing for respondent No.1 and 2 & 3 waive service of rule on behalf of respondents No.1 and 2 & 3 respectively.

2. In view of the criminal complaint filed against

the petitioner, the petitioner was suspended from service in the year 1984. However, in view of the delay in trial, by an order dated 24th January, 1991, order of suspension was revoked and the petitioner was given posting as Talati cum Mantri. The petitioner was tried and was acquitted by the criminal court. The respondents no. 2 and 3 feeling aggrieved, have preferred appeal before this Court being Criminal Appeal No. 1212 of 1992 against said order of acquittal. The petitioner by his application dated 14th December, 1995, requested the respondents to regularise the period spent under suspension and to grant him benefit of arrears of salary and benefits of higher grade which may be admissible to him. The respondents No. 2 and 3 have not responded to the said application of the petitioner in view of the pending appeal against acquittal. Learned advocate Mr. Munshaw appearing for respondent Nos. 2 and 3 has submitted that since the appeal against acquittal is pending before this Court, unless and until the same is decided, no order could be made on the application made by the petitioner. I do not find any justification in the submissions made by the learned advocate Mr. Munsha. In the circumstances, I direct respondent Nos. 2 and 3 to consider the application dated 14th December, 1995 made by the petitioner in accordance with law and decide the same. Decision that may be taken by the respondents be communicated to the petitioner. Aforesaid exercise shall be done within period of four weeks from the date of receipt of this order. The petition is allowed to the aforesaid extent. Rule is made absolute accordingly. There shall be no order as to costs.

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